

MACOMB TOWNSHIP PLANNING COMMISSION
MEETING MINUTES AND PUBLIC HEARING
TUESDAY, JULY 3, 2007

LOCATION: MACOMB TOWNSHIP MEETING CHAMBERS
54111 BROUGHTON ROAD
MACOMB, MI 48042

PRESENT: EDWARD GALLAGHER, CHAIRMAN
DEAN AUSILIO, VICE CHAIRMAN
MICHAEL D. KOEHS, SECRETARY
CHARLES OLIVER, MEMBER
JOA PENZIEN, MEMBER
ARNOLD THOEL, MEMBER
DEBORAH ZOLNOSKI, MEMBER

ABSENT: NONE

ALSO PRESENT: Lawrence Dloski, Legal Counsel
Jerome Schmeiser, Planning Consultant
(Additional attendance on file at the Clerk's Office)

Chairman GALLAGHER called the meeting to order at 7:00 p.m. and the Pledge of Allegiance was recited.

ROLL CALL

1. Clerk KOEHS called the roll and the entire Commission was present.

APPROVAL OF THE AGENDA

2. The agenda was reviewed and any additions, corrections or deletions were discussed and made.

MOTION by AUSILIO seconded by THOEL to approve the agenda as presented.

MOTION carried.

APPROVAL OF THE PREVIOUS MEETING MINUTES


3. The minutes of the previous meeting held on June 19, 2007 were reviewed and any additions, corrections or deletions were discussed and made.

MOTION by PENZIEN seconded by AUSILIO to approve the minutes of the meeting of June 19, 2007 as presented.

MOTION carried.

AGENDA ITEMS

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4.  **Site Plan & Special Land Use; Austin Catholic Academy;** Located on the north side of 23 Mile Road, west of North Avenue; Section 14; French Associates, Inc. - Petitioner. Permanent Parcel No. 08-14-300-007.

Mr. Jerome Schmeiser, Planning Consultant, reviewed this item and stated that the issue with the ingress and egress has been resolved. He further stated his recommendation of approval for both the special land use and the site plan.

Ms. Keti Micevska, representing the petitioner, was also present to answer any questions which the Commission might have.

MOTION by AUSILIO seconded by PENZIEN to approve the Special Land Use for the Austin Catholic Academy located on the north side of 23 Mile Road, west of North Avenue; Section 14; Permanent Parcel No. 08-14-300-007 for the following reasons:

It is recommended that the special land use permit be approved for Austin Catholic Academy. Since the proposed use based on the documents submitted appears to comport with all of the standards set forth in Section 10.2401(B)(5)(a), as follows:

1. **The proposed Special Land Use shall be of such location, size and character that it will be harmonious with the appropriate and orderly development of the surrounding neighborhood and/or vicinity, and shall be in compliance with the applicable regulations of the zoning district in which it is to be located.**

PLANNER'S COMMENTS – None.

2. **The proposed use shall be of such nature that vehicular and pedestrian traffic shall not be more hazardous than is normal for the district involved, taking into consideration vehicular turning movements in relation to routes of traffic flow; proximity and relationship to intersections, adequacy of sight distances; location and access of off-street parking; and provisions for pedestrian traffic, with particular attention paid to minimizing child-vehicle interfacing.**

PLANNER'S COMMENTS – None.

3. **The proposed use shall be designed, with respect to the location, size, and intensity, site layout and periods of operation of any such proposed use, to eliminate any possible nuisance emanating there from which might be noxious whether by reason of dust, noise, fumes, vibration, smoke or lights to others.**

PLANNER'S COMMENTS – None.

4. **The proposed use shall be such that the proposed location and height of buildings or structures, and the location, nature and height of walls, fences and landscaping, will not interfere with or discourage the appropriate**

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development and use of adjacent land and buildings, or unreasonably affect the value of the land and/or buildings.

PLANNER'S COMMENTS – None.

5. The proposed use shall relate harmoniously with the physical and economic aspects of adjacent land uses with regard to prevailing shopping habits, convenience of access by prospective patrons, continuity of development, and need for particular services and facilities in specific areas of the Township.

PLANNER'S COMMENTS – None.

6. The proposed use is necessary for the public convenience at the proposed location.

PLANNER'S COMMENTS – None.

7. The proposed use is so designed, located and planned, and shall be operated in such a manner that the public health, safety and welfare will be protected.

PLANNER'S COMMENTS – None.

8. The proposed use shall not be detrimental or injurious to the neighborhood within which it is to be located, nor shall such use operate as a deterrent to future land uses permitted within said zoning district, and such use shall be in harmony with the general purpose and intent of the Zoning Ordinance.

PLANNER'S COMMENTS – None.

This approval is made with the condition that the petitioner will comply with all codes and ordinances of Macomb Township including that the entire site, including the areas between the sidewalk and the curb line or roadway along 23 Mile Road, will be sodded and irrigated in accordance with the provisions of the zoning ordinance as part of the initial construction. Those areas not to be sodded and irrigated include the detention basin, the mitigated area and the undeveloped area. The mitigated area will be planted with grass seed but not irrigated. The undeveloped areas, which abut proposed residential areas, must remain undeveloped in perpetuity unless sodded and irrigated with a solid landscape screen installed to protect the proposed residential areas.

MOTION carried.

MOTION by KOEHS seconded by AUSILIO to approve the Site Plan for the Austin Catholic Academy located on the north side of 23 Mile Road, west of North Avenue; Section 14; Permanent Parcel No. 08-14-300-007 wit the following conditions:

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1. The parking areas to be properly graded, drained and paved within one (1) year's time to the satisfaction of the Township Engineer. Posts to be installed in parking areas to protect exit doors, gas meters, etc.
2. The petitioner to comply with all pertinent codes and ordinances, and guarantee that dimensions, acreage figures, and recorded easements in connection with this site plan are true and accurate as they provide the basis for this recommendation. The approval is given with the understanding that any structures such as signs, walls, tanks, etc., planned for the site will not be located in any utility easement or properties set aside for drains, sewers or water facilities unless an easement agreement is signed with the governing authority controlling the easement or property.
3. The front yard area and the areas between street line and sidewalks to be planted with grass and trees, and maintained. No stones (a cobblestone measuring 3-8" in diameter are allowed) or loose materials are permitted in the areas between the sidewalk and street; however a greenbelt with a three (3) foot cement strip along the curb or street line is permitted.

That all lawn areas including the front yard, side yard setbacks, rear yards, the areas between the sidewalk and curbs, and planting beds to be planted with grass and trees and maintained. The term grass means "pre-grown grass" referred to as sod. Seeding of grass areas is not allowed. This standard is derived from the land division ordinance section 17-162A14b(11).

4. The curb radii, curb cuts, including their location, deceleration lanes, by pass lanes and other geometrics and designs, are subject to approval by the County Road Commission, Michigan Department of Transportation, and the Township Engineer.
5. Sidewalks to be provided to the satisfaction of the Township Engineer.
6. Light fixtures or light standards must have deflectors or shields for positive cut-off of direct beams of light, or glare from bulbs or fixture lenses, shining or casting light onto adjacent properties. All fixtures under canopies must be installed with flat lenses as indicated by the industry.
7. That the trash or dumpster pad area be enclosed on three sides with a six (6) foot wall and be secured with screened gates. All walls to be constructed with a masonry pointed cap, the angle of the pointed cap to be 45 degrees. If additional dumpsters are to be located on the site, each must be enclosed in like manner.

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8. An acceptable method of surety, such as a corporate surety bond or cash bond, in an amount approved by the Township Engineer, be posted, assuring the Township the property will be developed within two (2) years in accordance with the plan and elevations. If not developed within two (2) years from date of site plan approval, the petitioner will have to appear before the Planning Commission for consideration of an extension of the two year time period. The bond must be posted prior to receiving construction permits from the Township Water/Sewer Department.
9. The petitioner/applicant may request the release of the site plan bond when the site has been completed in accordance with all conditions made part of this approval and contained herein. The request for release must be in writing and accompanied by 2 copies of the "As Built Plans". The "As Built Plan" will be compared with the stamped approved Site Plan Drawing to help determine the readiness for release of said bond.
10. That handicap parking be provided per the requirements of the State and the ADA (American Disabilities Act).
11. That all signs be designated on the site plan and meet the Township requirements.
12. That the petitioner meets with the Michigan Department of Environmental Quality (MDEQ) regarding floodplains and/or wetlands to determine any building limitations.
13. MDEQ- That specific conditions and approvals regarding changes to the 100 year flood plain be done so with the understanding that the petitioner shall seek and obtain map revisions or amendments to reflect the lower amendment on the flood plain map as prepared by FEMA, prior to the issuance of any building permits.
14. That any required walls or greenbelts be constructed/installed prior to the issuance of a Certificate of Occupancy. All walls to be constructed with a masonry pointed cap, the angle of the point to be 45 degrees. All walls must be constructed on a continuous foundation. The "hung" type wall, that is with panels on channeled pillars, shall not be allowed.
15. That the petitioner provide proper drainage (storm and sanitary) and a proper water supply in accordance with the standards of the Township Water and Sewer Department and the County Drain office.
16. That the petitioner properly name any proposed streets or private drives that may be due on the site and coordinate said names with the Macomb Township Supervisor's Office. Addresses are assigned after site plan approval. The petitioner must coordinate said street names with the

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Macomb Township Supervisor's office and submit (2) plans on 11" x 17" paper.

- 17. That any future splitting and/or division of any portion of the property or additions to the property, approved in this plan, be reconsidered by the Assessor and Planning Commission. That all splits be approved by the Tax Assessor.**
- 18. That the case of structures in commercial zones that roof mounted appliances and fixtures shall be effectively screened on all sides by the roof line so as not to be visible from off the site.**
- 19. That in the case of commercial zones that outdoor storage and display of merchandise is prohibited.**
- 20. That all requirements of the Zoning Ordinance be met.**
- 21. If the matter being considered is a revised site plan, then all conditions of the earlier approval, that may apply to other features of the plan not being considered for the current revision and whether or not they are noted on the plan herein presented, are to remain in full force and effect.**
- 22. That the petitioner be aware that a Certificate of Zoning Compliance and a Certificate of Occupancy must be obtained prior to the occupation of the proposed building.**
- 23. That the site plan include a site illumination plan containing a detailed profile of each classification of lighting fixture.**
- 24. That the petitioner understands that if the property(ies) involved in this application are not yet split or combined into a single parcel, that an application for split/combination must be submitted and approved by the Assessor's Office. The petitioner must also understand that all codes and ordinances relating to said split/combination must be adhered to including any variances requested or any other actions involving Macomb Township. It is also noted that delays may be necessary in the split/combination procedure because of subsequent public hearings involving variance requests.**

In the case of a Site Plan application, an application for said split/combination must be reviewed and approved by the Assessor's Office prior to the issuance of Building Permits. In the case of a Site Condominium or Subdivision Plat application, an application for said split/combination must be approved by the Assessor's Office before the petitioner may submit an application for their next approval step as prescribed by the Macomb Township Land Division Ordinance #17.

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This conditional approval does not provide any assurance or guarantee that any required split or split/combination that was not in place prior to this approval will be approved by any other Township body or other governmental unit.

In connection with splitting, combining or otherwise amending the site plan, that any master deeds prepared in connection with said site plan be amended. The amended master deed, including Exhibit B documents, must be submitted to the Township Clerk's Office for review in accordance with Township procedures. The recorded document must be received prior to issuance of building permits.

The same procedure would follow for a revision to the site plan.

- 25. That all lawn areas must be developed in accordance with the zoning ordinance section 10.2402-B-6 which refers to the landscaping design standards of the Township Land Division Ordinance; Sec. 17-162-(b)(11) as amended which provides that all areas must be sodded with pre-grown grass which include the areas of the property which also includes the road right-of-way.**
- 26. That the sign is not part of this approval.**
- 27. That an overall site plan showing the entire parcel on 1 page and the landscape plans be dimensioned since the overall site plan and landscape plans are the plans that will be officially signed for reference.**
- 28. It should be pointed out to the petitioner that the current approval applies only to the academy building, the driveways, the 2 parking areas, and the detention basin as well as the improvements to 23 Mile Road including acceleration, deceleration, bypass lanes and the 8' path along 23 Mile Road.**

It must be noted on the plan that all of the future development including all of the sports facilities must be sodded and irrigated as part of the initial construction phase. It is necessary that the notations, although noted on the information portion of the site plan, must also be made on each individual area including the future ball fields, future construction sites, the areas between the sidewalk and curb, so that it clearly points out that these areas will be sodded and irrigated.

All future phases including any future additions, the monastery, additional parking facilities, any and all athletic facilities and parking lot extensions must be considered by the Planning Commission via the revised site plan process.

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- 29. That the condition(s) of the special land use permit become a part and parcel of this site plan approval.**

MOTION carried.

5.  **Rezoning Request / R-1 to C-2; Hall Road;** Located on the north side of Hall Road, 1/8 mile east of Heydenreich Road; Section 33; Macomb Retail Management - Petitioner. Permanent Parcel No. 08-33-400-014.


Mr. Jerome Schmeiser, Planning Consultant, reviewed this item and stated his recommendation of approval.

Mr. , representing the petitioner, was also present to answer any questions which the Commission might have.

MOTION by AUSILIO seconded by PENZIEN to approve the Rezoning Request / R-1 to C-2, Located on the north side of Hall Road, 1/8 mile east of Heydenreich Road; Section 33; Permanent Parcel No. 08-33-400-014. for the following reasons:

- 1. The proposed rezoning is consistent with the goals of the Master Plan.**
- 2. The proposed rezoning is consistent with the development of the surrounding properties.**

MOTION carried.

6.  **Rezoning Request / C-2 to C-1; 15250 24 Mile Road;** Located on the southeast corner of 24 Mile Road and Hayes Road; Section 18; Antoine Abi Raji - Petitioner. Permanent Parcel No. 08-18-100-026.

Mr. Jerome Schmeiser, Planning Consultant, reviewed this item and stated his recommendation of denial.

Mr. Robert Davis, representing the petitioner, was present and requested that this matter be tabled to the next Planning Commission meeting.

MOTION by KOEHS seconded by ZOLNOSKI to TABLE THIS MATTER TO THE Planning Commission meeting of July 17, 2007 at the petitioner's request.

MOTION carried.


7.  **Extension of Time; Waterstone Office Complex;** Located on the east side of Card Road, 456 feet north of Hall Road; Section 35; Antonio Cavaliere – Petitioner. Permanent Parcel No. 08-35-300-007 & 08-35-300-006.

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Mr. Jerome Schmeiser, Planning Consultant, reviewed this item and stated his recommendation of approval.

MOTION by KOEHS seconded by THOEL to approve the Extension of Time; Waterstone Office Complex; Permanent Parcel No. 08-35-300-007 & 08-35-300-006 to July 5, 2008.

MOTION carried.

8.  **Extension of Time ; Regency Commerce Center Site Condominiums Phase II;** Located on the north side of 23 Mile Road approximately ½ mile west of Romeo Plank Road; Section 17; Antonio Cavaliere – Petitioner. Permanent Parcel No. 08-17-300-014.

Mr. Jerome Schmeiser, Planning Consultant, reviewed this item and stated his recommendation of approval.

MOTION by AUSILIO seconded by THOEL to approve the Extension of Time ; Regency Commerce Center Site Condominiums Phase II; Permanent Parcel No. 08-17-300-014 to June 11, 2008.

MOTION carried.

9.  **Request for Extension of Time; Site Condos for Strathmore Phase II;** Located 1000 feet south of 26 Mile Road, 1050 feet east of Luchtman Road; Section 04; L&C 26 Mile Road Properties, Petitioner. Permanent Parcel No. 08-04-100-035.

Mr. Jerome Schmeiser, Planning Consultant, reviewed this item and stated his recommendation of approval.

MOTION by ZOLNOSKI seconded by KOEHS to approve the Request for Extension of Time; Site Condos for Strathmore Phase II; Permanent Parcel No. 08-04-100-035 to August 9, 2008.

MOTION carried.

10. **Proposed Amendment to Macomb Township Zoning Ordinance;** Sections 10.02,10.0202,10.0320,10.0320(C),10.2401,10.2403(B),10.2405(C),10.2405(D), 10.2405(H),10.2406(B).

Mr. Jerome Schmeiser, Planning Consultant, reviewed this item along with Mr. Lawrence Dloski, Township Attorney, and stated their recommendation of approval.

MOTION by KOEHS seconded by ZOLNISKI to recommend approval of the proposed Zoning Ordinance amendments to the following sections: 10.02,10.0202,10.0320,10.0320(C),10.2401,10.2403(B),10.2405(C),10.2405(D),10.2405(H), and 10.2406(B).

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MOTION carried.

11. Motion to receive and file all correspondence in connection with this agenda.

MOTION by OLIVER seconded by AUSILIO to receive and file all of the correspondence in connection with this agenda.

MOTION carried.

PLANNING CONSULTANTS COMMENTS

None

PLANNING COMMISSIONERS COMMENTS

None

ADJOURNMENT

MOTION by PENZIEN seconded by THOEL to adjourn the meeting at 7:45 p.m.

MOTION carried.

Respectfully submitted,

Edward Gallagher, Chairman

Michael D. Koehs, CMC
Macomb Township Clerk
Planning Commission Secretary